

(December 9 – Planning Board Recommendation)

VILLAGE OF SKANEATELES
DRAFT LOCAL LAW # 4 OF 2015

A LOCAL LAW TO AMEND PORTIONS OF CHAPTER 225 (“ZONING”),
OF THE VILLAGE CODE OF THE VILLAGE OF SKANEATELES:
PERMITTED USE CHART,
ARTICLE II, SECTION 225-4 (“DEFINITIONS”),
ARTICLE IV, SECTION 225-10 (“USE REGULATIONS”),
ARTICLE X, SECTION 225-40 (“BED-AND-BREAKFAST HOMESTAYS”),
ARTICLE X, SECTION 225-42 (“LODGING”), AND
ARTICLE XII, SECTION 225-58 (“OFF-STREET PARKING”)
AND TO ADD NEW
CHAPTER 130 (“LICENSING”), AND
ARTICLE XIV, SECTION 225-69A (“ALTERNATIVE MANAGEMENT REQUIREMENTS”)

BE IT ENACTED BY THE VILLAGE BOARD OF THE VILLAGE OF SKANEATELES:

Statement of Intent and Findings.

It is the judgment of the Village Trustees, upon the recommendation of the Planning Board, and following the expiration of a limited moratorium, that it is necessary to amend certain provisions of Chapter 225, of the Village Code, in order to modernize the Code, and to re-define and regulate certain permitted uses.

Authority.

This Local Law is enacted pursuant to the authority of the New York State Municipal Home Rule Law, Section 10, and the New York State Village Law, Article 7.

Text of Proposed Local Law.

I. The Permitted Use Chart is hereby amended as follows:

	Zoning District							
	A1	A2	A3	A4	B	C	D	PL
A. Residential Uses								
“(8) Rooming house	N	N	N	N	N	N	N	N”
B. Accessory Uses								
“(2) Bed-and-breakfast homestay	N	X	N	N	N	X	X	N”

C. Commercial Uses

“(8) Hotel	N	N	N	N	N	N	X	N”
“(9) Lodging	N	N	X	N	N	N	N	N”
“(31) Motel	N	N	N	N	N	N	N	N”

II. Section 225-4 (“Definitions”) is hereby amended to modify or add the following definitions:

“BED-AND-BREAKFAST HOMESTAYS

The use of a single-family dwelling, subordinate and incidental to the principal use of the property as a single-family residence of occupancy by the homeowner(s), made available for compensation to transient guests which meet the following criteria:

(a) not more than two (2) sleeping rooms if located in the A2 or C Zoning Districts are made available, and not more than five (5) sleeping rooms, limited to ten (10) occupants, (*) if located in the D Zoning District are made available;

(b) no cooking facilities are available to guests and no prepared foods other than breakfast that may be served by the owner(s) at the owner’s option;

(c) the duration of any such stay shall not exceed seven consecutive nights;

(d) the single-family dwelling in which such rooms are made available must exist as of the effective date of this law; and

(e) the owner(s) must be physically in-residence at such dwelling during periods in which the rooms are rented. Short term Absence(s) by the owner(s) during periods in which the rooms are rented are permitted as long as the following are satisfied: (1) the owner must have and demonstrate that On-Site Supervisory Management is present during Short Term Absence(s); and (2) Short Term Absence(s) shall mean for no more than 3 weeks in any one calendar year.”

(* per 19 NYCRR 1220.1)

“HOTEL

A building or group of buildings on a single lot which contain(s) as its only principal use living and sleeping accommodations for transient occupancy containing six (6) or more rental units (rooms) with On-Site Supervisory Management at all times, and which has a common exterior entrance or entrances, and which may contain one or more facilities incidental to such occupancy, such as dining rooms, dining rooms, gift shops, personal services, a bar where nonalcoholic and alcoholic beverages may be served for on-premises consumption, restaurants, meeting rooms, lounges, swimming pools and related incidental uses designed primarily to accommodate the occupants thereof but which may also be open to the general public. Retail is permitted in a hotel as an accessory use at street level.”

“LODGING

A building or group of buildings, whether detached or in connected units, on a single lot, containing individual sleeping units intended primarily for transient travelers, containing six (6) or more rental units (rooms) with On-Site Supervisory Management at all times. Accommodations incidental to such occupancy may be provided, including dining rooms, gift shops, personal services, a bar where nonalcoholic and alcoholic beverages may be served for on-premises consumption, meeting rooms, lounges, swimming pools and physical fitness rooms, to accommodate the resident and invited guests and the general public.”

“ON-SITE SUPERVISORY MANAGEMENT

The providing of on-site supervision and management at all times of all aspects of operation of a Hotel or Lodging or Bed-and-Breakfast Homestay, as appropriate, to a quality and standard commensurate with the community character by either: (1) Persons employed by the owner who are not resident at the facility and who possess the training and skill or with equivalent practical experience in Hotel or Bed-and-Breakfast Homestay management, as appropriate; or (2) Where authorized as provided in §225-69A, a Professional Hotel Or Lodging Management Company.”

“PROFESSIONAL HOTEL OR LODGING MANAGEMENT COMPANY

A company that has as its principal business the supervision and management of hotel or lodging facilities and whose employees have the requisite training and experience to operate said facilities to the same standard of care and quality required of On-Site Supervisory Management.”

Remove definition of Tourist Home.

“TRANSIENT OCCUPANCY

Living and/or sleeping accommodation provided for compensation or barter for a period of less than 30 consecutive days. Bed-and-Breakfast Homestays, Hotels, and Lodging shall individually and collectively be transient occupancies.”

III. Section 225-10 (“Use Regulations”) is hereby amended in its entirety, as follows:

“A. General. No building, structure or parcel of land, or part thereof, shall hereafter be occupied, used, erected, constructed, reconstructed, enlarged, moved or structurally altered, or its use altered, except for one or more of the uses deemed permitted in the district in which said building, structure or parcel of land shall be erected, altered, used or situated and unless said action is in all other respects in conformance with the provisions of this chapter hereinafter specified for the district in which said action occurs.

B. Permitted uses. The only uses deemed permitted in a land use control district of the Village are the uses designated in the **Permitted Use Chart** at the end of this chapter as uses permitted by right in said district; provided, however, that:

- (1) Conditional uses. Any use designated in the **Permitted Use Chart** as a conditional use in a district shall be deemed a permitted use in said district only upon the issuance of a special use permit for said use by the Zoning Board of Appeals as provided in and subject to the conditions contained in Article X of this chapter;

- (2) Critical impact uses. Any permitted use designated as a critical impact use in Article XI of this chapter shall not be deemed a permitted use unless a critical impact permit for said use is approved by the Board of Trustees as provided in and subject to the conditions contained in Article XI of this chapter; and
- (3) Floodway Fringe FF-O Overzone. Any permitted use relating to premises located within the Floodway Fringe FF-O Overzone shall not be deemed to be a permitted use unless a floodway permit for said use is approved by the Zoning Board of Appeals as provided in and subject to the conditions contained in Article VI of this chapter.

C. Transient Occupancy. No overnight accommodation for compensation or barter shall be permitted anywhere in the Village for less than 30 consecutive days except in a Hotel, Lodging, or a Bed-And-Breakfast Homestay.

IV. Section 225-40 (“Bed-and-Breakfast Homestays”) is amended, in its entirety, as follows:

“ § 225-40. Bed-And-Breakfast Homestays

In addition to the above general provisions, a Bed-And-Breakfast Homestay shall be subject to Section 225-40A and shall comply with the following prescribed standards:

- A. Preparation of food. The only meal that may be provided to guests shall be breakfast, and if provided, it shall only be served to guests taking lodging in the home.
- B. Interior design standards. The architectural integrity and arrangement of the existing interior spaces must be maintained; the number of guest rooms shall not be increased.
- C. Exterior design standards. The exterior appearance of the structure shall not be altered from its single-family character.
- D. Inspections. Each Bed-And-Breakfast homestay operation shall be subject to an annual inspection by the Village Code Enforcement Officer.
- E. License. Every Bed-And-Breakfast Homestay and any grandfathered Bed-And-Breakfast Homestay pursuant to Section 225-69A shall be subject to the requirements of Section 225-40A.
- F. Notwithstanding any other provision of this chapter, no more than eight (8) Bed-And-Breakfast Homestays (of which no more than three (3) may be in the A-2 Zoning District), including those grandfathered pursuant to Section 225-69A, shall be permitted in the Village. Any Bed-And- Breakfast Homestays in excess of that amount shall not be permitted.

G. Off-street parking. Each Bed-and-Breakfast Homestay shall provide one off-street parking space for each sleeping room used to accommodate guests, plus two parking spaces for the owner(s).”

V. New Chapter 130 “LICENSING” and section 130-1 is hereby added, as follows:

“CHAPTER 130 LICENSING

§130-1. Licensing of Bed-and-Breakfast Homestays, Hotels, and Lodging Facilities

- A. **Applicability.** This section shall apply to each Bed-And-Breakfast Homestay , Hotel, and Lodging facility located in the Village.
- B. **Licensing.** Every use subject to this section shall, as a condition precedent to the permissibility of the use, obtain a license. Each license shall meet the following criteria:
1. Be issued by the Code Enforcement Officer upon positive recommendation of the Planning Board;
 2. Demonstration by the applicant that it has obtained a Special Use Permit pursuant to §225-40;
 3. Be for a term not to exceed 1 year, as determined by the Planning Board in its recommendation;
 4. Satisfactory documentation provided by the applicant/licensee that all other authorizations needed to operate the covered use in conformance with applicable federal, state and local requirements ;
 5. Satisfactory evidence provided by the applicant/licensee that all applicable sales and room occupancy taxes related to any prior periods of operation have been paid;
 6. No more than 8 licenses for Bed-and-Breakfast Homestays, including all licenses issued for uses protected under §225-69A, shall be issued and in effect at any one time; and
 7. Prior to the issuance of a Certificate of Occupancy and annually thereafter evidence must be furnished to the Code Enforcement Officer of continuously maintained Business Owners’ Policy insurance.
 8. The fees to be paid for a license shall be provided in the licensing fee schedule as adopted from time to time by Resolution of the Village Board of Trustees.”

VI. Section 225-42 is hereby amended, in its entirety, as follows:

§ 225-42 Hotel and Lodging

In addition to the above general provisions, a Hotel or Lodging use shall comply with the following prescribed standards:

- A. Preparation and service of food. Meals may be served to registered and invited guests.
- B. Off-street parking. One parking space for each sleeping unit or suite, plus one parking space for each staff employee for the day shift and one space for a management vehicle, shall be provided. One additional parking space for each five persons accommodated in meeting rooms shall be provided. Parking requirements may be varied by the Zoning Board of Appeals to satisfy the conditions.
- C. Density of development. The density of buildings and structures related to this use shall comply with the current **Density Control Schedule** for the Residential A-2 District, except for the minimum open space which shall be 80%.
- D. Design and layout. Imaginative design of buildings and structures is encouraged. Both the Planning Board and the Zoning Board of Appeals shall be provided with drawings showing the proposed site layout, landscape treatment, facade design and building materials to be used. In reviewing these drawings the Boards shall consider the compatibility of the proposed development with the surrounding neighborhood, traffic congestion or hazards, suitable recreational spaces, landscaping and preservation of natural features and views.
- E. Outdoor storage. Any outdoor storage of garbage and rubbish shall be in containers which are enclosed in such a way as to be concealed from public view and inaccessible to children, dogs, and vermin.
- F. Buffers and visual barriers. Where a lot and such use abut a residential use, there shall be provided around parking, driveways and outside activity areas a wall, fence or compact evergreen hedge or a landscaped strip of trees or shrubs so designed as to form a visual screen not less than six feet in height at the time of planting or construction to screen such activity from the adjacent residential property. It shall be the responsibility of owners of said lots to maintain such visual screens placed on their property. Site lighting shall be subtle, indirect and shielded from neighboring properties.

- G. Landscaping. Lot area not required for buildings, structures or parking shall be landscaped with grass, decorative trees and shrubs. A plan showing the location and species of plant material shall be provided.
- H. Driveways and curb cuts. No more than two driveways or curb cuts from such use to a public street shall be permitted. Driveways from parking lots shall have a maximum grade of 8% and shall be graded so as to provide at least 40 feet of nearly level roadway at any intersection with a public street.
- I. Access drives and parking space. Yards may be used for access drives and parking space. No access drive or parking space shall be closer than 10 feet to any lot line except in the Downtown D District. Said ten-foot strip shall contain decorative fencing or trees and shrubbery adequate to visually screen parking from adjacent properties.
- J. Prior to the issuance of a Certificate of Occupancy and annually thereafter evidence must be furnished to the Code Enforcement Officer of:
1. Continuously maintained Business Owner's Policy insurance;
 2. Satisfactory documentation that all other authorizations needed to operate the covered use have been obtained in conformance with applicable federal, state and local requirements; and
 3. Satisfactory evidence provided that all applicable sales and room occupancy taxes related to any prior periods of operation have been paid."

VII. New section 225-69A is hereby added, as follows:

" §225-69A Alternative Management Requirements

A. Notwithstanding any other provision of this chapter, those uses that were legally operating as Hotels, Lodging, or Bed-And-Breakfast Homestays as of December 31, 2015, shall be entitled to continue, if and to the extent that they meet, where applicable, the following additional requirements:

1. A legally existing Hotel or Lodging existing as of December 31, 2015, may, in lieu of having On-Site Supervisory Management at all times, register with the Code Enforcement Officer an acceptable written legally binding management agreement with a Professional Hotel Or Lodging Management Company; and
 2. In the event that any use authorized to continue pursuant to §225-69(A) above is extended or expanded the provisions of §225-69(A)(1) shall no longer apply and the requirements of this chapter shall apply in full."
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VIII. Section 225-58 (“Requirements for off-street parking spaces”) is hereby amended as follows:

A. Section 225-58(B)(1)(c) is hereby amended as follows:

“(c) Bed-and-Breakfast-Homestays: one (1) space for each bedroom available for rent.”

B. Section 225-58(B)(1)(d) is hereby amended as follows:

“(d) Hotel: one (1) space for each bedroom available for rent.”

IX. Separability. If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances and the Village of Skaneateles, by its Board of Trustees, hereby declares that it would have enacted this Local Law or the remainder thereof had the invalidity of such provision or application thereof been apparent.

Interpretation. In their interpretation and application, the provisions of this Local Law shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this Local Law are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, or local laws, the most restrictive, or that imposing the higher standards, shall govern.

Effective Date: This local law shall take effect immediately upon its adoption.

Adopted: December _____, 2015

Motion by: Trustee _____

Seconded by: Trustee _____

Voting in Favor: Trustees _____

Voting in Opposition: _____